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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,908	03/01/2000	Shmuel Shaffer	00P7493US	3123

7590 01/16/2003

Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
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EXAMINER

HU, JINSONG

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/516,908

Applicant(s)

SHAFFER ET AL.

Examiner

Jinsong Hu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are presented for examination.
2. The drawings filed on 3/1/00 have been approved by the Draftsperson.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 6-12 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsyama et al. (US 6,253,246 B1).
5. As per claim 1, Nakatsyama teaches the invention substantially as claimed including a method for providing data files to a remote user over a channel [col. 1, lines 7-10] comprising:

determining the speed of a channel, using said speed, determining a compressed version of said data file, and transferring the version of said data file based on said determining [col. 8, lines 24-41].

Art Unit: 2154

6. Nakatsyama does not specifically teach the steps of determining whether sending the original data file. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to including determining step because doing so would simplify the system by avoiding compress the unnecessary compressed file. One of ordinary skill in the art would have been motivated to modify Nakatsyama's system with the determining step to improve the performance of the system.

7. As per claim 4, Nakatsyama teaches that the data files include at least one file of at least one file type from the group consisting of digitally encoded audio files, digitally encoded video files, digitally encoded text, and digitally encoded images [col. 1, lines 19-22].

8. As per claims 6-7, Nakatsyama teaches the invention substantially as claimed in claim 1. Nakatsyama does not specifically teach the step of receiving an indication from a user as to what compression format are decodable by the use system and sending the relevant applet to user for accessing the compressed file. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to including the format selecting step in Nakatsyama's system because doing so would improve the dynamic of the system by allowing the clients selecting the formats they prefer. One of ordinary skill in the art would have been motivated to modify Nakatsyama's system with the selecting step to attract more clients.

9. As per claim 8, Nakatsuyama teaches the step of transmitting to a user system data representing a list indicating available data files, indicating estimated transfer times for said data files and for compressed versions of a data file, and receiving a user selection of a data file indicating a desired transfer delay [Fig. 2; col. 9, line 55 – col. 10, line 3].

10. As per claims 9-11, Nakatsyama teaches the invention substantially as claimed in claim 1. Nakatsyama does not specifically teach that whether compressing the data file depends on the comparison between the transfer time and a maximum acceptable delay. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the comparison step in Nakatsyama's system because doing so would simplify the system by avoiding compress the unnecessary compressed file. One of ordinary skill in the art would have been motivated to modify Nakatsyama's system with the comparison step to improve the performance of the system.

11. As per claims 12 and 15-16, Nakatsyama teaches the invention substantially as claimed including a method for providing remotely accessible multimedia messages comprising:

determining the speed of a channel, determining the transfer time for available messages and attachments using the size of available messages and attachments and said speed providing data representing a list of available messages to a user, wherein

Art Unit: 2154

at least one listed message with a transit time greater than a threshold is provided with at least two compression options [Fig. 2; col. 8, lines 24-41]

12. Nakatsyama does not specifically teach the step of receiving from a user data indicating a desired compression option. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to including the format selecting step in Nakatsyama's system because doing so would improve the dynamic of the system by allowing the clients selecting the formats they prefer. One of ordinary skill in the art would have been motivated to modify Nakatsyama's system with the selecting step to attract more clients.

13. As per claim 14, since it is a method claim of claim 4, it is rejected under the same basis as claim 4.

14. As per claims 17-19, since it is an apparatus claims of claims 1, it is rejected under the same basis as claim 1.

15. As per claim 20, Nakatsyama teaches the invention substantially as claimed including a method for presenting to a user a list of messages for interacting with a multimedia message server comprising:

presenting to a user an identification of a message available for transfer,
presenting an indication of a transfer time indicating time for transfer of a compressed

message, and registering a user action indicating a compression option to be transferred [col. 9, line 55 – col. 10, line 3].

16. Nakatsyama does not specifically teach presenting a transfer time for the original message to user. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the presenting step in Nakatsyama's system to increase the capability of the system for servicing different group of client by allowing the system transferring the uncompressed message to those clients whose terminals do not have decompressing capability. One of ordinary skill in the art would have been motivated to modify Nakatsyama's system with the presenting step for attracting more clients.

17. Claims 2-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsyama et al. in view of Maddalozzo, Jr, et al. (US 6,105,029).

18. As per claims 2-3 and 5, Nakatsyama teaches the invention substantially as claimed in claim 1. Nakatsyama does not specifically teach the step of sending a test on the channel.

19. Maddalozzo on the other hand teach the step of sending a test on the channel. [col. 2, lines 20-23]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Nakatsyama and

Art Unit: 2154

Maddalozzo because doing so would improve the management of the system by obtaining more accurate transfer speed which used as the criteria of compression. One of ordinary skill in the art would have been motivated to modify Nakatsyama with Maddalozzo's test step to improve the performance of the system.

20. As per claim 13, since it is a method claim of claim 2, it is rejected under the same basis as claim 2.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Ishii et al. (US 5,675,789) discloses a file compress system;

Chaddha et al. (US 6,151,632) discloses a multimedia information delivering system; and

Graf (US 6,397,251) discloses a multimedia file distribution system.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (703) 306 – 5932.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An, can be reached on (703) 305-9678. The fax number for this Group is (703) 308-9052. Additionally, the fax numbers for Group 2100 are as follow:

Application/Control Number: 09/516,908
Art Unit: 2154

Page 8

Official Faxes: (703) 746-7239


After Final Responses: (703) 746-7238

Draft Responses: (703) 746-7240

Any inquiry of a general nature or relating to the status of the application should be directed to the Group receptionist at (703) 305-3900.

Jinsong Hu

January 9, 2003


ZARNI MAUNG
PRIMARY EXAMINER